

100TH CONGRESS  
1ST SESSION

# H. J. RES. 395

---

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 1987

Received; read twice and referred to the Committee on Appropriations

---

## JOINT RESOLUTION

Making further continuing appropriations for the fiscal year  
1988, and for other purposes.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled,*  
3       SECTION 1. In order to achieve the levels of deficit re-  
4       duction agreed to in the Economic Summit by the President  
5       and the Joint Leadership of Congress, notwithstanding any  
6       other provision of this resolution, the levels for defense  
7       spending (budget function 050) for fiscal year 1988 shall not

1 exceed \$292,000,000,000 in budget authority and  
2 \$285,400,000,000 in outlays and the levels for discretionary  
3 non-defense domestic spending for fiscal year 1988 shall not  
4 exceed \$162,900,000,000 in budget authority and  
5 \$176,800,000,000 in outlays, and individual accounts within  
6 this resolution shall be adjusted to meet the requirements of  
7 this sentence.

8 In order to carry out the levels agreed to in the Eco-  
9 nomic Summit, the Committee on Appropriations shall take  
10 such steps as are necessary to apportion these levels among  
11 the various subcommittees and shall make such recommenda-  
12 tions in the conference report on this resolution as ensure  
13 that these levels are not exceeded.

14 The following sums are hereby appropriated, out of any  
15 money in the Treasury not otherwise appropriated, and out of  
16 applicable corporate or other revenues, receipts, and funds,  
17 for the several departments, agencies, corporations, and other  
18 organizational units of the Government for the fiscal year  
19 1988, and for other purposes, namely:

20 SEC. 101. (a) Such amounts as may be necessary for  
21 programs, projects, or activities at the rate for operations and  
22 to the extent and in the manner provided for in H.R. 2763,  
23 the Departments of Commerce, Justice, and State, the Judi-  
24 ciary, and Related Agencies Appropriations Act, 1988, as  
25 passed by the House of Representatives on July 1, 1987.

1       (b) Such amounts as may be necessary for programs,  
2 projects, or activities at the rate for operations and to the  
3 extent and in the manner provided for in H.R. 3576, the  
4 Department of Defense Appropriations Act, 1988, as report-  
5 ed to the House of Representatives on October 28, 1987.

6       (c) Such amounts as may be necessary for programs,  
7 projects, or activities at the rate for operations and to the  
8 extent and in the manner provided for in H.R. 2713, the  
9 District of Columbia Appropriations Act, 1988, as passed by  
10 the House of Representatives on June 26, 1987.

11       (d) Such amounts as may be necessary for programs,  
12 projects, or activities at the rate for operations and to the  
13 extent and in the manner provided for in H.R. 2700, the  
14 Energy and Water Development Appropriations Act, 1988,  
15 as passed by the House of Representatives on June 24,  
16 1987.

17       (e) Such amounts as may be necessary for programs,  
18 projects, or activities at the rate for operations and to the  
19 extent and in the manner provided for in H.R. 3186, the  
20 Foreign Operations, Export Financing and Related Programs  
21 Appropriations Act, 1988, as reported to the House of Rep-  
22 resentatives on August 6, 1987.

23       (f) Such amounts as may be necessary for programs,  
24 projects, or activities at the rate for operations and to the  
25 extent and in the manner provided for in H.R. 2783, the

1 Department of Housing and Urban Development-Independ-  
2 ent Agencies Appropriations Act, 1988, as passed by the  
3 House of Representatives on September 22, 1987.

4 (g) Such amounts as may be necessary for programs,  
5 projects, or activities at the rate for operations and to the  
6 extent and in the manner provided for in H.R. 2712, the  
7 Department of the Interior and Related Agencies Appropria-  
8 tions Act, 1988, as passed by the House of Representatives  
9 on June 25, 1987.

10 (h) Such amounts as may be necessary for programs,  
11 projects, or activities at the rate for operations and to the  
12 extent and in the manner provided for in H.R. 3058, the  
13 Departments of Labor, Health and Human Services, and  
14 Education, and Related Agencies Appropriations Act, 1988,  
15 as passed by the House of Representatives on August 5,  
16 1987.

17 (i) Such amounts as may be necessary for programs,  
18 projects, or activities at the rate for operations and to the  
19 extent and in the manner provided for in H.R. 2714, the  
20 Legislative Branch Appropriations Act, 1988, as passed by  
21 the House of Representatives on June 29, 1987.

22 (j) Such amounts as may be necessary for programs,  
23 projects, or activities at the rate for operations and to the  
24 extent and in the manner provided for in H.R. 2906, the

1 Military Construction Appropriations Act, 1988, as passed by  
2 the House of Representatives on July 14, 1987.

3 (k) Such amounts as may be necessary for programs,  
4 projects, or activities at the rate for operations and to the  
5 extent and in the manner provided for in H.R. 3520, the  
6 Rural Development, Agriculture, and Related Agencies  
7 Appropriations Act, 1988, as reported to the House of  
8 Representatives on October 20, 1987: *Provided*, That with  
9 respect to the line items for which moneys are appropriated  
10 in the paragraph under the heading:

11 CORPORATIONS

12 COMMODITY CREDIT CORPORATION

13 OPERATING EXPENSES

14 in title I of such bill, any moneys otherwise available to the  
15 Commodity Credit Corporation not otherwise obligated (in-  
16 cluding the proceeds of repayments of price support loans  
17 made on the 1987 or previous crops and any proceeds of  
18 sales of commodities from Commodity Credit Corporation  
19 stocks) may be transferred to such line items or may be used  
20 to reimburse the Commodity Credit Corporation during fiscal  
21 year 1988 for net realized losses sustained, but not previous-  
22 ly reimbursed (pursuant to the Act of August 17, 1961)—

23 (1) if the Secretary of Agriculture determines such  
24 transfer or use is necessary to ensure the efficient and  
25 effective implementation of the programs under the  
26 Food Security Act of 1985, and

1           (2) the Secretary provides advance notice of the  
2       transfer or use to Congress.

3       (l) Such amounts as may be necessary for programs,  
4       projects, or activities at the rate for operations and to the  
5       extent and in the manner provided for in H.R. 2890, the  
6       Department of Transportation and Related Agencies Appro-  
7       priations Act, 1988, as passed by the House of Representa-  
8       tives on July 13, 1987.

9       (m) Such amounts as may be necessary for programs,  
10      projects, or activities at the rate for operations and to the  
11      extent and in the manner provided for in H.R. 2907, the  
12      Treasury, Postal Service, and General Government Appro-  
13      priations Act, 1988, as passed by the House of Representa-  
14      tives on July 15, 1987.

15      (n) Such amounts as may be necessary for continuing  
16      the following activities, not otherwise provided for in this  
17      joint resolution, which were conducted in the fiscal year  
18      1987, under the terms and conditions provided in applicable  
19      appropriations Acts for the fiscal year 1987, at the current  
20      rate: *Provided*, That no appropriation or fund made available  
21      or authority granted pursuant to this subsection shall be used  
22      to initiate or resume any project or activity for which appro-  
23      priations, funds, or authority were not available during fiscal  
24      year 1987:

25             activities authorized by the Older Americans Act;

1           dislocated worker assistance programs authorized  
2           by title III of the Job Training Partnership Act;

3           activities authorized by titles III, V, X, XVII,  
4           XIX, and XX of the Public Health Service Act and  
5           the Anti-Drug Abuse Act of 1986;

6           Work Incentives (WIN) activities authorized by  
7           title IV of the Social Security Act;

8           child abuse and adoption opportunities activities  
9           authorized by the Child Abuse Prevention and Treat-  
10          ment Act, as amended, title II of Public Law 95-266,  
11          and by sections 402-409 of Public Law 98-473;

12          activities authorized by the Family Violence Pre-  
13          vention and Services Act;

14          activities authorized by the Developmental Dis-  
15          abilities and Assistance and Bill of Rights Act;

16          activities authorized by the Native American Pro-  
17          grams Act;

18          activities of the United States Mint in the Depart-  
19          ment of the Treasury; and

20          activities of the White House Conference on Drug  
21          Abuse and Control in the Executive Office of the  
22          President.

23          SEC. 102. Unless otherwise provided for in this joint  
24          resolution or in the applicable appropriations Act, appro-  
25          priations and funds made available and authority granted

1 pursuant to this joint resolution shall be available from No-  
2 vember 20, 1987, and shall remain available until (a) enact-  
3 ment into law of an appropriation for any project or activity  
4 provided for in this joint resolution, or (b) enactment of the  
5 applicable appropriations Act by both Houses without any  
6 provision for such project or activity, or (c) September 30,  
7 1988, whichever first occurs.

8 SEC. 103. Appropriations made and authority granted  
9 pursuant to this joint resolution shall cover all obligations or  
10 expenditures incurred for any program, project, or activity  
11 during the period for which funds or authority for such  
12 project or activity are available under this joint resolution.

13 SEC. 104. Expenditures made pursuant to this joint res-  
14 olution shall be charged to the applicable appropriation, fund,  
15 or authorization (including a continuing appropriation for the  
16 full year ) whenever a bill in which such applicable appropria-  
17 tion, fund, or authorization (including a continuing appropria-  
18 tion for the full year) is contained is enacted into law.

19 SEC. 105. Section 1515 of title 31 of the United States  
20 Code is amended by striking subsection (a) and inserting in  
21 lieu thereof the following:

22 "(a) An appropriation required to be apportioned under  
23 section 1512 of this title may be apportioned on a basis that  
24 indicates the need for a deficiency or supplemental appropria-  
25 tion to the extent necessary to permit payment of such pay



1 increases as may be granted pursuant to law to civilian offi-  
2 cers and employees (including prevailing rate employees  
3 whose pay is fixed and adjusted under subchapter IV of chap-  
4 ter 53 of title 5) and to retired and active military person-  
5 nel.”.

6       SEC. 106. The provisions of appropriations Acts within  
7 the purview of this joint resolution, and the provisions of ap-  
8 propriations Acts within the purview of the following joint  
9 resolutions making continuing appropriations (section 101(c)  
10 of Public Law 96-86 (93 Stat. 657), section 101(f) of Public  
11 Law 98-151 (97 Stat. 973), section 101(b) of Public Law  
12 98-473 (98 Stat. 1837), section 101 (a) and (c) of Public  
13 Law 99-190 (99 Stat. 1185, 1224), and section 101 (g), (i),  
14 and (l) of Public Laws 99-500 and 99-591 (100 Stat. 1783-  
15 242, 1783-287, 1783-308, 3341-242, 3341-287, 3341-  
16 308)), shall (to the extent and in the manner specified in  
17 the pertinent section of any such joint resolution) be effective  
18 as if enacted into law. Those provisions are effective on the  
19 date of enactment of the pertinent joint resolution except to  
20 the extent a different effective date is specified in the joint  
21 resolution or pertinent appropriations Act.

22       SEC. 107. Amounts and authorities provided by this res-  
23 olution shall be in accordance with the reports accompanying  
24 the bills as passed by or reported to the House.

1. SEC. 108. In addition to any sums otherwise provided  
2 herein, there is appropriated \$500,000 to the United States  
3 Information Agency, "Educational and Cultural Exchange  
4 Programs", which shall be made available to the Seattle  
5 Goodwill Games Organizing Committee for cultural ex-  
6 changes of persons and other exchange-related activities as-  
7 sociated with the Goodwill Games to be held in 1990 in  
8 Seattle, Washington.

9 SEC. 109. Section 210(d) of the Immigration and Na-  
10 tionality Act is amended by inserting the following new  
11 paragraph:

12 "(3) No application fees collected by the Immigra-  
13 tion and Naturalization Service (INS) pursuant to sec-  
14 tion 210(b) of the Immigration and Nationality Act  
15 (INA) may be used by the INS to offset the costs of  
16 the special agricultural worker legalization program  
17 until the INS implements the program consistent with  
18 the statutory mandate as follows:

19 "(A) During the application period as defined  
20 in section 210(a)(1)(A) of the INA the INS shall  
21 not exclude from entry or deport any alien and  
22 shall grant, where applicable, admission to the  
23 United States, work authorization, and provide an  
24 "employment authorized" endorsement or other  
25 appropriate work permit to any alien who pre-

1           sents a nonfrivolous application for adjustment of  
2           status subsection (a).

3           “(B) During the application period as defined  
4           in section 210(a)(1)(A) of the INA the INS shall  
5           permit any alien who presents a nonfrivolous ap-  
6           plication for adjustment of status under subsection  
7           (a) to file an application for adjustment of status  
8           within the United States as provided for in section  
9           210(b)(1)(B) or outside the United States as pro-  
10          vided for in section 210(b)(1)(B) and, specifically,  
11          under the procedures contained in 8 CFR  
12          § 210.6.

13          “(C) ‘Nonfrivolous’ application is defined as a  
14          declaration by the alien under penalty of perjury  
15          that the alien has in fact worked the required  
16          number of man-days, that identifies the type or  
17          nature of documentation the alien intends to later  
18          produce in conjunction with a complete applica-  
19          tion, that identifies current or immediate past  
20          employer(s), if known and that acknowledges that  
21          false statements concerning eligibility constitute a  
22          violation of title 18, United States Code, and/or  
23          as an application defined in 8 CFR § 210.6(c).”.

24          SEC. 110. No funds appropriated in this or any other  
25          Act may be used to deport or otherwise require departure

1 from the United States of an alien who either is the spouse of  
2 a legalized person through a marriage entered into before  
3 November 6, 1986, or was the child of a legalized person as  
4 of November 6, 1986: *Provided*, That the terms "child" and  
5 "spouse" have the meanings given such terms in section 101  
6 of the Immigrant and Nationality Act, and the term "legal-  
7 ized person" means an alien who has been granted lawful  
8 resident status under section 210 or 245A of the Immigration  
9 and Nationality Act.

10 SEC. 111. In addition to any sums provided under this  
11 joint resolution, there is appropriated \$1,000,000 to the  
12 Commission on the Bicentennial of the Constitution for a  
13 grant to the We The People 200 Committee.

14 SEC. 112. None of the funds made available under this  
15 joint resolution or any subsequent appropriations Act for  
16 fiscal year 1988 for the Small Business Administration shall  
17 be used for the implementation of section 921 of Public Law  
18 99-661 and section 921 of Public Law 99-591 prior to Sep-  
19 tember 30, 1988.

20 SEC. 113. The Secretary of the Army, acting through  
21 the Chief of Engineers, is directed to continue with planning,  
22 design, engineering and construction of the Des Moines Rec-  
23 reational River and Greenbelt project in accordance with the  
24 General Design Memorandum dated September 1987 and

1 Public Law 99-591 using funds heretofore, herein, or here-  
2 after appropriated.

3 SEC. 114. PROJECT MODIFICATION.—The project for  
4 flood protection on the Lower San Joaquin River, California,  
5 authorized by section 10 of the Flood Control Act approved  
6 December 22, 1944 (58 Stat. 901), is modified—

7 (1) to authorize the Secretary of the Army, acting  
8 through the Chief of Engineers, to perform, in connec-  
9 tion with the clearing and snagging authorized to be  
10 performed on such river from Stockton, California, to  
11 Friant Dam as part of such project by the Supplemen-  
12 tal Appropriations Act, 1983 (97 Stat. 310)—

13 (A) clearing and snagging in the area of the  
14 North Fork of the Kings River in Mendota Pool  
15 from the southernly boundary of the James Recla-  
16 mation District Number 1606 to Mendota Dam;

17 (B) fish and wildlife mitigation; and

18 (C) such rip-rapping in the area of the clear-  
19 ing and snagging on such rivers as may be neces-  
20 sary to prevent erosion from such clearing and  
21 snagging; and

22 (2) to increase the estimated cost of the clearing  
23 and snagging on the Lower San Joaquin River, includ-  
24 ing the activities authorized by paragraph (1), from  
25 \$5,000,000 to \$8,000,000.

1       SEC. 115. Notwithstanding any other provision of law,  
2 none of the funds appropriated under this Act or any other  
3 Act shall be used by the Department of the Interior to imple-  
4 ment a reorganization of the Bureau of Reclamation.

5       SEC. 116. (A) The McGee Creek Project of the Bureau  
6 of Reclamation shall not be deemed completed until such  
7 time as construction of all authorized components of the  
8 project are completed, including access roads and recreation  
9 areas.

10       (B) The Bureau of Reclamation shall not transfer title of  
11 the project to any other entity or require repayment of the  
12 project or permit refinancing of the project until such time as  
13 the project is completed according to the terms of (A) above.

14       SEC. 117. From within funds available for Energy  
15 Supply, Research and Development Activities, \$8,500,000  
16 shall be made available as a grant for the Loma Linda Uni-  
17 versity Medical Center Proton-Beam Demonstration Cancer  
18 Treatment Center and shall remain available until expended.

19       SEC. 118. From within funds available for Energy  
20 Supply, Research and Development Activities, \$2,000,000  
21 shall be made available as a grant for the Center for Physical  
22 and Environmental Science at East Central University, Ada,  
23 Oklahoma, and shall remain available until expended.

24       SEC. 119. The Federal Energy Regulatory Commission  
25 is authorized to extend the time period required for com-

1 mancement of construction of Project No. 4506 for an addi-  
2 tional two years upon application by the licensee to the Fed-  
3 eral Energy Regulatory Commission if the Federal Energy  
4 Regulatory Commission determines that an additional exten-  
5 sion is warranted under the standard set forth in section 13 of  
6 the Federal Power Act and is in the public interest, taking  
7 into consideration the comprehensive review requirements of  
8 the Federal Power Act.

9 (RESCISSION)

10 SEC. 120. Of the funds made available in fiscal years  
11 1985 and 1986 for expenses necessary to enable the Presi-  
12 dent to carry out the provisions of section 23 of the Arms  
13 Export Control Act, \$64,000,000 which was allocated for  
14 the Republic of Korea and which remains as uncommitted  
15 balances is rescinded.

16 SEC. 121. In addition to the provisions of section 101(e)  
17 for Foreign Operations, Export Financing and Related Pro-  
18 grams Appropriations Act, 1988 insert the following:

19 “(a)(1) Notwithstanding any numerical limitations speci-  
20 fied in the Immigration and Nationality Act, the Attorney  
21 General may admit aliens described in section (b) to the  
22 United States as immigrants if—

23 “(A) they are admissible (except as otherwise pro-  
24 vided in paragraph (2)) as immigrants, and

1           “(B) they are issued an immigrant visa and depart  
2       from Vietnam during the 2-year period beginning 90  
3       days after the date of the enactment of this Act.

4       “(2) The provisions of paragraphs (14), (15), (20), (21),  
5       (25), and (32) of section 212(a) of the Immigration and Na-  
6       tionality Act shall not be applicable to any alien seeking ad-  
7       mission to the United States under this section, and the At-  
8       torney General on the recommendation of a consular officer  
9       may waive any other provision of such section (other than  
10      paragraph (27), (29), or (33) and other than so much of para-  
11      graph (23) as relates to trafficking in narcotics) with respect  
12      to such an alien for humanitarian purposes, to assure family  
13      unity, or when it is otherwise in the public interest. Any such  
14      waiver by the Attorney General shall be in writing and shall  
15      be granted only on an individual basis following an investiga-  
16      tion by a consular officer.

17      “(3) Notwithstanding section 221(c) of the Immigration  
18      and Nationality Act, immigrant visas issued to aliens under  
19      this section shall be valid for a period of 8 months.

20      “(b)(1) An alien described in this subsection is an alien  
21      who, as of the date of the enactment of this Act, is residing in  
22      Vietnam and who establishes to the satisfaction of a consular  
23      officer or an officer of the Immigration and Naturalization  
24      Service after a face-to-face interview, that the alien—



1           “(A)(i) was born in Vietnam after January 1,  
2           1962, and before January 1, 1976, and (ii) was fa-  
3           thered by a citizen of the United States (such an alien  
4           in this subsection referred to as a ‘principal alien’);

5           “(B) is the spouse or child of a principal alien and  
6           is accompanying, or following to join, the principal  
7           alien; or

8           “(C) subject to paragraph (2), either (i) is the  
9           principal alien’s natural mother (or is the spouse or  
10          child of such mother), or (ii) has acted in effect as the  
11          principal alien’s mother, father, or next-of-kin (or is the  
12          spouse or child of such an alien), and is accompanying,  
13          or following to join, the principal alien.

14          “(2) An immigrant visa may not be issued to an alien  
15          under paragraph (1)(C) unless the principal alien involved is  
16          unmarried and the officer referred to in paragraph (1) has  
17          determined, in the officer’s discretion, that (A) such an alien  
18          has a bona fide relationship with the principal alien similar to  
19          that which exists between close family members and (B) the  
20          admission of such an alien is necessary for humanitarian pur-  
21          poses or to assure family unity. If an alien described in para-  
22          graph (1)(C)(ii) is admitted to the United States, the natural  
23          mother of the principal alien involved shall not, thereafter, be  
24          accorded any right, privilege, or status under the Immigra-  
25          tion and Nationality Act by virtue of such percentage.

1       “(3) For purposes of this subsection, the term ‘child’ has  
2 the meaning given such term in section 101(b)(1) (A), (B),  
3 (C), (D), and (E) of the Immigration and Nationality Act.

4       “(c) Any alien admitted (or awaiting admission) to the  
5 United States under this section shall be eligible for benefits  
6 under chapter 2 of title IV of the Immigration and National-  
7 ity Act to the same extent as individuals admitted (or await-  
8 ing admission) to the United States under section 207 of such  
9 Act are eligible for benefits under such chapter.

10       “(d) The Attorney General, in cooperation with the Sec-  
11 retary of State, shall report to Congress 1 year, 2 years, and  
12 3 years, after the date of the enactment of this Act on the  
13 implementation of this section. Each such report shall include  
14 the number of aliens who are issued immigrant visas and who  
15 are admitted to the United States under this Act and number  
16 of waivers granted under subsection (a)(2) and the reasons for  
17 granting such waivers.

18       “(e) Except as otherwise specifically provided in this  
19 section, the definitions contained in the Immigration and Na-  
20 tionality Act shall apply in the administration of this section  
21 and nothing contained in this section shall be held to repeal,  
22 amend, alter, modify, effect, or restrict the powers, duties,  
23 functions, or authority of the Attorney General in the admin-  
24 istration and enforcement of such Act or any other law relat-  
25 ing to immigration, nationality, or naturalization. The fact

1 that an alien may be eligible to be granted the status of  
2 having been lawfully admitted for permanent residence under  
3 this section shall not preclude the alien from seeking such  
4 status under any other provision of law for which the alien  
5 may be eligible.”.

6 SEC. 122. Section 17(d)(4)(G) of the United States  
7 Housing Act of 1937 is amended by striking “36 months”  
8 and inserting “48 months”.

9 SEC. 123. Any cooperative bank established under the  
10 law of any State which was directed by the State banking  
11 authority of such State to obtain Federal deposit insurance  
12 between January 1, 1985, and January 1, 1987, shall be  
13 deemed to be an insured institution described in section  
14 21(f)(4)(F) of the Federal Home Loan Bank Act..

15 SEC. 124. No funds shall be expended for the purposes  
16 of preparing necessary documentation for and issuance of a  
17 special use authorization permitting land use and occupancy  
18 and surface disturbing activities for any project to be con-  
19 structed on Lewis Fork Creek in Madera County, California,  
20 at the site above, and adjacent to, Corlieu Falls bordering the  
21 Lewis Fork Creek National Recreation Trail until both of the  
22 following conditions are met:

23 (1) A joint study is completed and submitted to  
24 the Congress by the United States Forest Service and  
25 the California Department of Parks and Recreation re-

1     garding the project's impact on the aesthetics of Cor-  
2     lieu Falls, together with a finding that the Lewis Fork  
3     Creek project will not substantially impact the flow at  
4     Corlieu Falls.

5           (2) A study is completed and submitted to the  
6     Congress by the United States Forest Service concern-  
7     ing the project's impact on the Chukchansi Indian  
8     Tribe, together with a finding that there will be no  
9     impact on the tribe's adjacent sacred hot springs.

10    SEC. 125. Hereafter, the Secretary of Agriculture is au-  
11    thorized, except for urban rodent control, to conduct activi-  
12    ties and to enter into agreements with States, local jurisdic-  
13    tions, individuals, and public and private agencies, organiza-  
14    tions, and institutions in the control of nuisance mammals  
15    and birds and those mammal and bird species that are reser-  
16    voirs for zoonotic diseases, and to deposit any money collect-  
17    ed under any such agreement into the appropriation accounts  
18    that incur the costs to be available immediately and to  
19    remain available until expended for Animal Damage Control  
20    activities.

21    SEC. 126. Section 144(g)(2) of title 23, United States  
22    Code, shall not apply to the Virginia Street Bridge in  
23    Charleston, West Virginia.

24    SEC. 127. For 80 percent of the expenses necessary to  
25    carry out a highway bypass project in the vicinity of Petos-

1 key, Michigan, that demonstrates methods of improving eco-  
2 nomic development and regional transportation, there is au-  
3 thorized to be appropriated \$28,000,000, to remain available  
4 until expended, of which \$500,000 is hereby appropriated, to  
5 remain available until expended: *Provided*, That all funds ap-  
6 propriated under this head shall be exempt from any limita-  
7 tion on obligations for Federal-aid highways and highway  
8 safety construction programs.

9 SEC. 128. Funds made available to the United States  
10 Postal Service pursuant to section 2401(a) of title 39, United  
11 States Code, shall be used hereafter to continue full postal  
12 service to the people of Holly Springs proper, including up-  
13 grading, remodeling, and improving the United States Post  
14 Office building located at 110 North Memphis Street, Holly  
15 Springs, Mississippi.

16 SEC. 129. (a) None of the funds made available by this  
17 or any other Act with respect to any fiscal year may be used  
18 to make a contract for the manufacture of distinctive paper  
19 for United States currency and securities pursuant to section  
20 5114 of title 31, United States Code, with any corporation or  
21 other entity owned or controlled by persons not citizens of  
22 the United States, or for the manufacture of such distinctive  
23 paper outside of the United States or its possessions. This  
24 subsection shall not apply if the Secretary of the Treasury  
25 determines that no domestic manufacturer of distinctive

1 paper for United States currency or securities exists with  
2 which to make a contract and if the Secretary of the Treas-  
3 ury publishes in the Federal Register a written finding stat-  
4 ing the basis for the determination.

5 (b) None of the funds made available by this or any  
6 other Act with respect to any fiscal year may be used to  
7 procure paper for passports granted or issued pursuant to the  
8 first section of the Act entitled "An Act to regulate the issue  
9 and validity of passports, and for other purposes", approved  
10 July 3, 1926 (22 U.S.C. 211a), if such paper is manufactured  
11 outside of the United States or its possessions or is procured  
12 from any corporation or other entity owned or controlled by  
13 persons not citizens of the United States. This subsection  
14 shall not apply if no domestic manufacturer for passport  
15 paper exists.

16 SEC. 130. INTEREST ON BACK PAY FOR FEDERAL  
17 EMPLOYEES.—(a) IN GENERAL.—Section 5596(b) of title 5,  
18 United States Code, is amended—

19 (1) by redesignating paragraphs (2) and (3) as  
20 paragraphs (3) and (4), respectively; and

21 (2) by adding after paragraph (1) the following:

22 "(2)(A) An amount payable under paragraph  
23 (1)(A)(i) of this subsection shall be payable with  
24 interest.

25 "(B) Such interest—

1           “(i) shall be computed for the period begin-  
2           ning on the effective date of the withdrawal or re-  
3           duction involved and ending on a date not more  
4           than 30 days before the date on which payment is  
5           made;

6           “(ii) shall be computed at the rate or rates in  
7           effect under section 6621(a)(1) of the Internal  
8           Revenue Code of 1986 during the period de-  
9           scribed clause (i); and

10          “(iii) shall be compounded daily.

11          “(C) Interest under this paragraph shall be paid  
12          out of amounts available for payments under paragraph  
13          (1) of this subsection.”.

14          (1) GENERALLY.—Except as provided in para-  
15          graph (2), the amendments made by subsection (a) shall  
16          take effect on the date of the enactment of this Act,  
17          and shall apply with respect to any employee found, in  
18          a final judgment entered or a final decision otherwise  
19          rendered on or after such date, to have been the sub-  
20          ject of an unjustified or unwarranted personnel action,  
21          the correction of which entitles such employee to an  
22          amount under section 5596(b)(1)(A)(i) of title 5, United  
23          States Code.

24          (2) EXCEPTION.—

1 (A) CASES IN WHICH A RIGHT TO INTER-  
2 EST WAS RESERVED.—The amendments made by  
3 subsection (a) shall also apply with respect to any  
4 claim which was brought under section 5596 of  
5 title 5, United States Code, and with respect to  
6 which a final judgment was entered or a final de-  
7 cision otherwise rendered before the date of the  
8 enactment of this Act, if, under terms of such  
9 judgment or decision, a right to interest was spe-  
10 cifically reserved, contingent on the enactment of  
11 a statute authorizing the payment of interest on  
12 claims brought under such section 5596.

13 (B) METHOD OF COMPUTING INTEREST.—  
14 The amount of interest payable under this para-  
15 graph with respect to a claim shall be determined  
16 in accordance with section 5596(b)(2)(B) of title 5,  
17 United States Code (as amended by this section).

18 (C) SOURCE.—An amount payable under this  
19 paragraph shall be paid from the appropriation  
20 made by section 1304 of title 31, United States  
21 Code, notwithstanding section 5596(b)(2)(C) of  
22 title 5, United States Code (as amended by this  
23 section) or any other provision of law.

24 (D) DEADLINE.—An application for a pay-  
25 ment under this paragraph shall be ineffective if it



1 is filed after the end of the 1-year period begin-  
2 ning on the date of the enactment of this Act.

3 SEC. 131. The Administrator of the General Services  
4 Administration shall initiate the planning process necessary  
5 to design and construct a facility for the Social Security Ad-  
6 ministration in Wilkes-Barre, Pennsylvania, pursuant to sec-  
7 tion 115 of Public Law 99-591.

8 SEC. 132. PAY INCREASE FOR FEDERAL EMPLOY-  
9 EES.—(a) 3 PERCENT INCREASE.—Notwithstanding any  
10 other provision of law, in the case of fiscal year 1988, the  
11 overall percentage of the adjustment under section 5305 of  
12 title 5, United States Code, in the rates of pay under the  
13 General Schedule, and in the rates of pay under the other  
14 statutory pay systems, shall be an increase of 3 percent.

15 (b) EFFECTIVE DATE.—Each increase in a pay rate or  
16 schedule which takes effect pursuant to subsection (a) shall,  
17 to the maximum extent practicable, be of the same percent-  
18 age, and shall take effect as of the first day of the first appli-  
19 cable pay period beginning on or after January 1, 1988.

20 (c) FUNDING LIMITATION.—Notwithstanding any other  
21 provision of law, amounts appropriated in order to provide for  
22 the adjustment described in subsection (a) in fiscal year 1988  
23 shall cover not to exceed 35 percent of the increase in total  
24 pay for such fiscal year.

25 (d) DEFINITIONS.—For purposes of this section—

1           (1) the term "total pay" means, with respect to a  
2       fiscal year, the total amount of basic pay which will be  
3       payable to employees covered by statutory pay systems  
4       for service performed during such year;

5           (2) the term "increase in total pay" means, with  
6       respect to a fiscal year, that part of total pay for such  
7       year which is attributable to the adjustment taking  
8       effect under this section during such year; and

9           (3) the term "statutory pay system" has the  
10      meaning given such term by section 5301(c) of title 5,  
11      United States Code.

12      SEC. 133. (a) Notwithstanding any other provision of  
13      this Act or any other law, no adjustment in rates of pay  
14      under section 5305 of title 5, United States Code, which be-  
15      comes effective on or after October 1, 1987, and before Octo-  
16      ber 1, 1988, shall have the effect of increasing the rate of  
17      salary or basic pay for any office or position in the legislative,  
18      executive, or judicial branch or in the government of the Dis-  
19      trict of Columbia to a rate exceeding the rate (or maximum  
20      rate, if higher) of salary or basic pay payable for that office or  
21      position as of September 30, 1987, if, as of that date, such  
22      rate (or maximum rate) is—

23           (1) fixed at a rate which is equal to or greater  
24      than the rate of basic pay for level V of the Executive

1       Schedule under section 5316 of title 5, United States  
2       Code; or

3           (2) limited to a maximum rate which is equal to  
4       or greater than the rate of basic pay for such level V  
5       (or to a percentage of such a maximum rate) by reason  
6       of section 5308 of title 5, United States Code, or any  
7       other provision of law or congressional resolution.

8       (b) For purposes of subsection (a), the rate or maximum  
9       rate (as the case may be) of salary or basic pay payable as of  
10      September 30, 1987, for any office or position which was not  
11      in existence on such date shall be deemed to be the rate or  
12      maximum rate (as the case may be) of salary or basic pay  
13      payable to individuals in comparable offices or positions on  
14      such date, as determined under regulations prescribed—

15           (1) by the President, in the case of any office or  
16      position within the executive branch or in the govern-  
17      ment of the District of Columbia;

18           (2) jointly by the Speaker of the House of Repre-  
19      sentatives and the President pro tempore of the  
20      Senate, in the case of any office or position within the  
21      legislative branch; or

22           (3) by the Chief Justice of the United States, in  
23      the case of any office or position within the judicial  
24      branch.

1       SEC. 134. None of the funds in this or any other Act  
2 shall be used to promulgate or otherwise implement the  
3 notice of proposed rulemaking on foreign repair stations (14  
4 CFR Parts 135 and 145) that was published by the Depart-  
5 ment of Transportation and the Federal Aviation Administra-  
6 tion in the Federal Register on November 24, 1987.

7       SEC. 135. EXTENSION OF ATTAINMENT DEAD-  
8 LINES.—(a) NONATTAINMENT AREAS FOR OZONE OR  
9 CARBON MONOXIDE.—No restriction or prohibition under  
10 section 110(a)(2)(I), section 176 (a) or (b), or section 316 of  
11 the Clean Air Act shall be enforced in any State before  
12 August 31, 1988, by reason of the failure of any State to  
13 attain the national primary ambient air quality standard  
14 under the Clean Air Act for photochemical oxidants (ozone)  
15 or carbon monoxide (or both) by December 31, 1987, the  
16 failure of any State to adopt and submit to the Administrator  
17 an implementation plan which meets the requirements of part  
18 D of title I of that Act and provides for attainment of such  
19 standards by December 31, 1987, the failure of any State to  
20 implement such a plan, or any combination of the foregoing.  
21 If any such restriction or prohibition took effect in any State  
22 before the enactment of this Act by reason of any such fail-  
23 ure, the enforcement of that restriction or prohibition shall be  
24 suspended until August 31, 1988. Prior to August 31, 1988,  
25 the Administrator shall apply the provisions of section 173

1 (1) and (4) of that Act without regard to the December 31,  
2 1987 attainment date.

3 (b) EVALUATIONS AND DESIGNATIONS.—Prior to  
4 August 31, 1988, the Administrator shall evaluate air quality  
5 data and make determinations with respect to the degree to  
6 which areas throughout the nation have attained, or failed to  
7 attain, either or both of the standards referred to in subsec-  
8 tion (a) and shall designate those areas failing to attain either  
9 or both of such standards as nonattainment areas within the  
10 meaning of part D of title I of the Clean Air Act.

11 SEC. 136. (a) Section 315 of the Communications Act of  
12 1934 (47 U.S.C. 315) is amended—

13 (1) by redesignating subsections (a) through (d) as  
14 subsections (b) through (e), respectively; and

15 (2) by inserting before subsection (b) the following  
16 new subsection:

17 “(a)(1) The Congress finds that—

18 “(A) despite technological advances, the electro-  
19 magnetic spectrum remains a scarce and valuable  
20 public resource;

21 “(B) there are still substantially more persons  
22 who want to broadcast than there are frequencies to  
23 allocate;

24 “(C) a broadcast license confers the right to use a  
25 valuable public resource and a broadcaster is therefore

1 required to utilize that resource as a trustee for the  
2 American people;

3 “(D) there is a substantial and continuing govern-  
4 mental interest in conditioning the award or renewal of  
5 a broadcast license on the requirement that the licens-  
6 ee assure that widest possible dissemination of informa-  
7 tion from diverse and antagonistic sources by present-  
8 ing a reasonable opportunity for the discussion of con-  
9 flicting views on issues of public importance;

10 “(E) while new video and audio services have  
11 been proposed and introduced, many have not succeed-  
12 ed and even those that are operating reach a far small-  
13 er audience than broadcast stations;

14 “(F) even when and where new video and audio  
15 services are available, they do not provide meaningful  
16 alternatives to broadcast stations for the dissemination  
17 of news and public affairs;

18 “(G) for more than thirty years, the Fairness  
19 Doctrine and its corollaries, as developed by the Fed-  
20 eral Communications Commission on the basis of the  
21 provisions of this Act, have enhanced free speech by  
22 securing the paramount right of the broadcast audience  
23 to robust debate on issues of public importance; and

24 “(H) the Fairness Doctrine (i) fairly reflects the  
25 statutory obligation of broadcasters under this Act to

1       operate in the public interest, (ii) was given statutory  
2       approval by the Congress in making certain amend-  
3       ments to this Act in 1959, and (iii) strikes a reasonable  
4       balance among the First Amendment rights of the  
5       public, broadcast licensees, and speakers other than  
6       owners of broadcast facilities.

7       “(2) A broadcast licensee shall afford reasonable oppor-  
8       tunity for the discussion of conflicting views on issues of  
9       public importance.

10       “(3) The enforcement and application of the requirement  
11       imposed by this subsection shall be consistent with the rules  
12       and policies of the Commission in effect on January 1,  
13       1987.”.

14       (b) This section and the amendment to the Communica-  
15       tions Act of 1934 added by this section—

16               (1) shall take effect upon the date of enactment of  
17       this Act;

18               (2) shall apply to all cases within the jurisdiction  
19       of the Federal Communications Commission on or after  
20       such date; and

21               (3) shall supercede the holding and findings of the  
22       Commission in its memorandum opinion and order of  
23       August 6, 1987, In re Complaint of Syracuse Peace  
24       Council Against Television Station WTVH, Syracuse,  
25       New York (F.C.C. 87-266).

1       SEC. 137. HAITI.—(a) SUSPENSION OF ASSIST-  
2 ANCE.—During fiscal year 1988, none of the funds made  
3 available by this joint resolution or by any other Act or joint  
4 resolution may be obligated or expended to provide assistance  
5 for Haiti (other than the assistance described in subsection  
6 (b)) unless the democratic process set forth in the Haitian  
7 Constitution approved by the Haitian people on March 29,  
8 1987, especially those provisions relating to the Provisional  
9 Electoral Council, is being fully and faithfully adhered to by  
10 the Government of Haiti

11       (b) EXCEPTIONS.—Subsection (a) does not apply with  
12 respect to humanitarian assistance provided through private  
13 and voluntary organizations or nongovernmental organiza-  
14 tions or to assistance provided in order to enable the continu-  
15 ation of migrant and narcotics interdiction operations.

16       (c) OTHER SANCTIONS.—It is the sense of the Congress  
17 that, in order to further encourage the Government of Haiti  
18 to adhere to the constitutionally mandated transition to de-  
19 mocracy, the President should—

20           (1) suspend Haiti's eligibility for benefits under  
21 the Caribbean Basin Economic Recovery Act; and

22           (2) seek international cooperation to encourage  
23 such adherence by the Government of Haiti, through  
24 the imposition of an international arms embargo and  
25 comprehensive trade and financial sanctions.



1       SEC. 138. (a) None of the funds appropriated for fiscal  
2 year 1988 by this joint resolution or any other law may be  
3 obligated or expended to enter into, renew, extend, amend, or  
4 otherwise modify any contract for the construction, alter-  
5 ation, or repair of any public building or public work in the  
6 United States with any contractor, subcontractor, or supplier  
7 if such contractor, subcontractor, or supplier—

8           (1) is a citizen or national of Japan;

9           (2) is a corporation, partnership, or other entity  
10 organized or existing under the laws of Japan, any  
11 subdivision thereof, or any instrumentality of Japan or  
12 such a subdivision; or

13          (3) is owned or controlled, directly or indirectly—

14           (A) by a citizen or national of Japan;

15           (B) by a corporation, partnership, or other  
16 entity organized or existing under the laws of  
17 Japan, any subdivision thereof; or any instrumen-  
18 tality of Japan or such a subdivision; or

19           (C) by any combination of two or more of the  
20 persons or entities, or both, described in subpara-  
21 graphs (A) and (B) of this paragraph.

22       (b) The President or the head of a Federal agency may  
23 waive the restrictions of subsection (a) of this section with  
24 respect to an individual contract if the President or the head  
25 of such agency determines that such action is necessary in

1 the public interest. The authority of the President or the head  
2 of a Federal agency under this subsection may not be dele-  
3 gated.

4 (c) As used in this section, the terms "contruction", "al-  
5 teration", "repair", "public building", and "public work"  
6 have the same meanings such terms have under the Act of  
7 March 3, 1933 (41 U.S.C. 10 et seq.), commonly referred to  
8 as the Buy American Act.

9 SEC. 139. From funds appropriated under this Act, a  
10 State's allotment for the program year beginning July 1,  
11 1988, under section 301 (b) for the Job Training Partnership  
12 Act (Public Law 97-300) shall be reduced by an amount  
13 equal to the unexpended balance of such State's allotment as  
14 of June 30, 1988, in excess of the allowable unexpended  
15 carry forward. The term "allowable unexpended carry for-  
16 ward" shall be defined as 20 per centum of the State's allot-  
17 ment under section 301(b) of the Job Training Partnership  
18 Act for the program year beginning July 1, 1987. Funds not  
19 allotted to States that exceeded the allowable unexpended  
20 carry forward amount shall be allotted by the Secretary in  
21 accordance with section 301(b) among States giving primary  
22 consideration to States which have not exceeded the allow-  
23 able unexpended carry forward amount as of June 30, 1988,  
24 and have an average unemployment rate for the most recent  
25 twelve months greater than the national average for such

1 period. In no case shall such funds be reallocated to any State  
2 which had an unexpended balance as of June 30, 1988, in  
3 excess of 35 per centum of its allotment under section 301(b)  
4 for the program year beginning on July 1, 1987.

Passed the House of Representatives, December 3,  
1987.

Attest: DONNALD K. ANDERSON,  
*Clerk.*